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C O N F I D E N T I A L SECTION 01 OF 02 JERUSALEM 000292

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SUBJECT: SILWAN RESIDENTS PROTEST ON-GOING TUNNEL
EXCAVATIONS UNDER THEIR HOMES

Classified By: Consul General Jake Walles, per reasons 1.4 (b) and (d)

11. (C) Summary. Ongoing excavations of an ancient tunnel in Jerusalem's Silwan neighborhood have angered local residents, who say the digging is damaging their homes and disrupting their lives. Israeli Committee Against House Demolitions (ICAHD) Coordinator Meir Margalit told PolOff the excavations risk upsetting the tenuous stability of the neighborhood, and said he believes the settler organization Elad is conducting the excavation without required permits. Jerusalem lawyer Sami Ershied said the Israel Antiquities Authority (IAA) has not been held accountable for the work in Silwan and that local residents are suffering as a result. Jerusalem's Mufti Muhammad Hussein told PolOff the digging could lead to conflict. PolOff observed homes that have apparently been damaged by the excavations. (A map and key of the Silwan excavations with photos of the interior of the tunnel can be found on the Consulate's classified website at <http://www.state.sgov.gov/p/nea/jerusalem/ind ex.cfm> under the link to Political Reporting Attachments.) End Summary.

EXCAVATIONS IN SILWAN THREATEN THE PEACE

12. (U) In a February 12 meeting in Jerusalem, ICAHD Coordinator Meir Margalit told PolOff that ongoing tunnel excavations in Silwan (immediately south of Jerusalem's Old City) present four potential threats. First, the excavations violate Israel's private property laws, which state that landowners must approve digging under their property. Second, the digging could undermine the structural integrity of buildings above the excavations. Third, the dig could strengthen settlers' presence in Silwan, raising tensions with Palestinian residents. Fourth, rumors about the excavations could spark violent demonstrations by Palestinians, similar to 1996 riots when then-PM Netanyahu ordered the Western Wall Tunnel opened onto the Via Dolorosa in the Muslim Quarter.

13. (U) Margalit said ICAHD believes the settler organization Elad is in control of the excavations and that work is being done without required permits. He said he fears Elad will try to connect this tunnel to the existing Western Wall Tunnel complex or penetrate under the Haram al-Sharif/Temple Mount. Margalit described the current excavation as a 300 meter tunnel running from under the Silwan mosque north and uphill toward Dung Gate. He said the unexcavated tunnel continues to the north but is currently blocked. He said his contacts disagree on whether this is a Byzantine sewage tunnel or a Herodian water tunnel.

LEGAL EFFORTS UNDERWAY TO MAKE IAA ACCOUNTABLE

14. (C) Jerusalem lawyer Sami Ershied told PolOff on February

12 that Palestinian residents of Silwan retained him after learning in late January that archeological excavations were taking place under their homes. Ershied told PolOff he wrote to the IAA informing them that excavations require the landowners' permission and requesting detailed information about the dig. When the IAA failed to respond, he said, he filed a request for an injunction on February 10 to stop work at the site. The Supreme Court gave the IAA 14 days to respond, he said. Ershied said he visited the tunnel and showed PolOff photographs of the excavated portion and the blockage covering the northern part of the tunnel.

15. (C) Ershied told PolOff that Israeli police arrested seven Silwan residents and one Israeli activist on February 10 and 11 on charges of disrupting public order. He said the eight individuals were accused of vandalizing equipment belonging to Elad and attacking an Israeli, but he said the claims were spurious. (Note: All eight individuals were released by the evening of February 12, either on bail or under curfew. End note.) Ershied said his clients are not opposed to archeological exploration, but that the residents of Silwan want to be informed of excavations and agree to them before digging begins.

MUFTI OF JERUSALEM ATTENDS DEMONSTRATION

16. (C) PolOff visited the Mufti of Jerusalem Muhammad Hussein in Silwan on February 12, where the residents of Silwan had erected a demonstration tent near the entrance to the tunnel. The Mufti called the excavations a breach of international law, citing the Fourth Geneva Convention, and said such actions could lead to conflict between Palestinians and Israelis. He called on the USG to intervene by requiring

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the GoI to fulfill its Roadmap commitments.

RESIDENTS SAY DIGGING DISRUPTS DAILY LIVING

17. (C) PolOff accompanied member of the Silwan Committee for the Defense of Land and Property Fakhri Abu Diab to two homes that sustained damage during the excavations. PolOff observed cracks in the walls and ceilings of the homes. Members of the Karean and Siam families complained of moisture leaking into their homes, as well as of excessive noise and dust during the digging. PolOff also observed a section of road near the tunnel that was recently repaired after collapsing. Residents of the area commented to PolOff that unrestricted digging disrupts their daily living.

WALLES